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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/577,725

05/02/2006

Anna Thunstedt

1509-1063

3159

466 7590 09/11/2008

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EXAMINER

TOMPKINS, ALISSA JILL

ART UNIT

PAPER NUMBER

3765

MAIL DATE

DELIVERY MODE

09/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                       |  |  |
|------------------------------|---------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/577,725  | <b>Applicant(s)</b><br>THUNSTEDT, ANNA |  |
|                              | <b>Examiner</b><br>ALISSA J. TOMPKINS | <b>Art Unit</b><br>3765                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/2/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |



## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Rothman (U.S. 2004/0143885). Rothman discloses a garment for women comprising a front piece and a back piece, which together form a casing, in which at least four opening are included, namely a neck opening, two armholes, and at least one lower opening (Figures 1-3). The front piece is composed of a top piece 3 (located above area 15) and a bottom piece 2 (located underneath area 3 and 8a). The front piece also has a transverse slit-like access opening which is delimited by an upper edge of the bottom piece and the lower edge of the top piece (Figure 2). The bottom piece which consists of an interior soft cup frame 2 is formed with a tab (the area located in between the two breast openings) (Figure 4). The tab is fastened on the inside of the top piece (Figure 4) and separates two recesses for the housing of the breasts. The tab is characterized by having a tapered basic shape and is delimited by arched limiting edges which transform in to likewise arch limiting edges which form the upper edge of the bottom piece and which generally have an arc radius that is smaller than the arc radius of the

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tab limiting edges (Figure 3). The tab is fastened on the inside of the top piece at 1 and 4. These fasteners are located in the immediate vicinity of the neckband. The top piece of the garment is arranged to cover the upper edge portion of the bottom piece (Figure 2).

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Nelson (U.S. 2,654,091). Nelson discloses a garment for women comprising a front piece and a back piece which together form a casing in which at least four openings are included namely a neck opening, two armholes, and at least one lower opening (Figures 1-3). The front piece is composed of a top piece 16 and a bottom piece 10. The front piece also has a transverse slit-like access opening, which is delimited by an upper edge of the bottom piece and the lower edge of the top piece. The bottom piece is formed with a tab (area located under 20) which is fastened 20, 32 on the inside of the top piece and which separates two recesses 12 for the housing of the breasts. The tab has a tapered basic shape and is delimited by arched limiting edges which transform in to likewise arch limiting edges which form the upper edge of the bottom piece and which generally have an arc radius that is smaller than the arc radius of the tab limiting edges (Figure 1). The end of the tab is fastened on the inside of the top piece in a fastening point 20, 32 located in the vicinity of the neckband. The top piece of the garment is arranged to cover the upper edge portion of the bottom piece (Figure 3).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Booze (U.S. 5,182,813), Caprio (U.S. 6,983,489), Polzin (U.S. 6,854,132), Schneider (U.S. 6,839,908), Whitcraft (U.S. 4,208,743), and Rothman (U.S. 2005/0208873) show nursing garments.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALISSA J. TOMPKINS whose telephone number is (571)272-3425. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on 571-272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Alissa J. Tompkins/  
Examiner, Art Unit 3765

/Gary L. Welch/  
Supervisory Patent Examiner, Art Unit 3765